

## *A work produced by an employee, upon the order and a collective work*

### Shrnutí / summary

This thesis deals with juridical institutes of works produced by an employee, works upon order and collective works. Such institutes are characterized by entitling other person than author to rights to the author's work. These persons contribution to creation of the work rest on a noncreative investment into the development of original work – examples of such entities are employer or order party. Czech author's law belongs to civil law system of author's rights, which recognizes the natural person that created the work as the author. However, the protection of other person's private interests besides the authors' is strongly influenced by copyright system, which is characteristic for Anglo-American legal system.

This thesis handles the Czech legal institutes in detail. Since the three institutes are interconnected they are dealt with the historical and comparative perspective. Furthermore, the approach of the Czech institutes is compared to analogous legal approaches of foreign countries.

Employee's work is created by an employee within the scope of employment or similar relationship. The employee is the author of the work, and both moral and economic rights are vested in the author. However, the employer executes the employee's economic rights to such a work, unless the parties have expressly agreed otherwise. The author is paid a wage, but in case the profit from the work is in obvious disproportion to this wage, the author can claim additional royalty.

In case of a work produced upon the order, it is presumed that author provided license to the order party to use the work in accordance with the purpose of the contract; a special license has to be agreed to other uses.

Collective work is a joint work, that is created under the leadership of investor and the work is published under the investor's name. The investor is usually considered to be in the same position as an employer in case of employee's work.